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Paper No. 9

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NOV 20 2002

OFFICE OF PETITIONS

In re Application of :
Burgess, Bertrand, Ciancaglini, Haff, Lannert, Levitt, :
Nichols, Poon, J. Smith, K. Smith, Zabloudi, Walsh, :
Willow, and Willis :
Application No.:09/887,188 :
Filed: June 22, 2001 :
Attorney Docket No:05222.00141 :
For: SYSTEM, METHOD, AND ARTICLE ENABLES :
RETAIL MANAGEMENT TUTORIAL SYSTEM :

DECISION ACCORDING
STATUS UNDER
RULE 47(a)

This is in response to the renewed petition under 37 CFR 1.47(a), filed June 13, 2002.

The petition is **GRANTED**.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

The above-cited application was filed without a properly executed oath or declaration. In response, the Office mailed a "Notice to File Missing parts of Nonprovisional Application (the :Notice)" on August 15, 2001. The Notice set forth an extendable period for reply of two months from its mailing date. On March 15, 2002, petitioner filed a petition under 37 CFR 1.47(a) along with declarations for all inventors, except inventor Haff. By a decision mailed May 20, 2002, the petition of March 12, 2002, was dismissed because petitioner did not establish that inventor Haff indeed received a complete copy of the application papers.

Petitioner filed the instant petition along with several exhibits through which petitioner established that although the inventor Haff was mailed the complete application papers (specification, abstract, claims, and assignment) inventor Haff has constructively refused to join the prosecution of the application.

Petitioner has shown that the non-signing inventor has refused to join the filing of the above-identified application after having been presented with the application papers, and the above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-

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signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This application will be forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries should be directed to the undersigned at (703) 305-0010.



Kenya A. McLaughlin
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy